

C. S. P. 1/3

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

Writ Petition No. 1296/2004.

Petitioner: Shri T. Tatha Rao, S/o Shri T. Snyasi Rao, aged about 38 years, resident of village Narayana Patnam, Post Moida, Nellimorla, MO Vijayanagaram District (AP).

Vs

Respondents: 1. Union of India, through the Secretary, Ministry of Labour. Govt. of India, Shram Bhavan, New Delhi.

General Manager, South East Central Railway, Bilaspur (CG)

3. The Divisional Railway Manager, South East Central Railway, Bilaspur (CG)

R. No. 1285/04
Presented by Shri G. P. Surve
6-5-04
dated

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION
OF INDIA.

मामला क्रमांक W.P. 1296/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>8.11.2006</u> Shri Vinod Deshmukh, counsel for the petitioner. Shri S.K. Beriwal, Standing Counsel with Shri Ghanshyam Patel, counsel for Union of India. The instant petition under Article 226/227 of the Constitution of India is directed against the order of Annexure P/1 passed by respondent No. 1, Union of India, whereby respondent No. 1 has refused to refer the dispute to the Tribunal under the provisions of Industrial Disputes Act, stating the following reason : "In the opinion of Central Government, there is no ground to refer the above disputes for adjudication to the Industrial Tribunal". Learned counsel for the petitioner submits that Union of India could not have declined to make reference by deciding the dispute itself. Citing various orders passed by this Court from time to time, it is argued that the order impugned, on the face of it, is not maintainable and therefore, the instant petition should be allowed. Learned counsel for the respondents does not controvert the above submission of the counsel for the petitioner.	

सामला क्रमांक W.P. 1296/04 मन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	डिप्टी में निम्नलिखित प्रमाण सहित आदेश	कार्यालयीन मामलों में डिप्टी प्रमाण सहित अन्तिम आदेश	जिस्टरी का प्रमाण सहित प्रमाण
	Consequently, the petition is allowed. Impugned order of Annexure P/1 refusing reference of dispute to Industrial Tribunal is hereby quashed. Union of India (respondent No. 1) through its Secretary, Ministry of Labour, Govt. of India, is directed to make a reference of the dispute within a period of two months from the date of receipt of copy of this order. Sd/- Dhirendra Mishra Judge		

P.T.O.

15/11/06
24/11/06